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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,323	03/29/2004	Ichiro Mitsuyoshi	P/1250-271	5119
2352 7590 01/06/2009 OSTROLENK FABER GERB & SOFFEN 1180 AVENUE OF THE AMERICAS NEW YORK, NY 100368403				
EXAMINER				
LOWE, MICHAEL S				
ART UNIT		PAPER NUMBER		
3652				
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01/06/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/813,323

Applicant(s)

MITSUYOSHI, ICHIRO

Examiner

Michael Scott Lowe

Art Unit

3652

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4 and 5 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 2, 4 and 5 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 15 February 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,2,4,5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlov (US 6,283,692) in view of Koji (JP63017706).

Re claims 1,2, Perlov teaches a substrate processing unit (generally 20), a substrate transfer unit (generally 22,24), a mounting part (generally 58,40), a first and second shelf lines (not numbered), and a transport element (generally 56,72). Perlov does not teach the displacement element vertically moving each of the shelves of the second shelf line. Koji teaches (generally figure 3, also figure 5) a displacing element (generally 8,3, and shelf connections) having a plurality of displacing mechanisms individually displacing each shelf (generally 1,6) of a shelf line so a container transport (generally 4) can horizontally move containers from one shelf line through another to speed up delivery and reduce space. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Perlov by Koji to have a displacing element having a plurality of displacing mechanisms individually displacing each shelf of a shelf line of a plurality of shelf lines so a container transport can horizontally move containers from one shelf line through another to have the

predictable result of speeding up delivery and reducing space required for storing more containers.

Perlov as already modified teaches displacing mechanisms (8,3, and shelf connections) that displace each shelf individually in the vertical direction. In order to speed prosecution, it is also noted that it would have been obvious to one of ordinary skill at the time the invention was made to have tried modifying Perlov to have a series of displacing mechanisms to have achieved the predictable result of reducing individual wear and increasing lifting ability.

Re claims 4,5, Perlov teaches the ability to have different numbers of shelves and shelf lines (column 4, lines 16+). Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Perlov to have any number or combination of numbers of shelves to increase versatility.

Claims 1,2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiro (JP 200231785) in view of Koji (JP63017706).

Re claims 1,2, Ichiro teaches a substrate processing unit (generally 1), a substrate transfer unit (generally 50), a mounting part (generally 40), a first and second shelf lines (generally 21) and a transport element (generally 30). Ichiro does not teach the displacement element vertically moving each of the shelves of the second shelf line. Koji teaches (generally figure 3, also figure 5) a displacing element (8,3, and shelf connections) having a plurality of displacing mechanisms individually displacing each shelf (generally 1,6) of a shelf line so a container transport (generally 4) can horizontally

move containers from one shelf line through another to speed up delivery and reduce space. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have tried modifying Ichiro by Koji to have a displacing element having a plurality of displacing mechanisms individually displacing each shelf of a shelf line of a plurality of shelf lines so a container transport can horizontally move containers from one shelf line through another to have the predictable result of speeding up delivery and reducing space required for storing more containers.

Ichiro as already modified teaches displacing mechanisms (8,3, and shelf connections) that displace each shelf individually in the vertical direction. In order to speed prosecution it is noted that it would have been obvious to one of ordinary skill at the time the invention was made to have tried modifying Ichiro to have a series of displacing mechanisms to have achieved the predictable result of reducing individual wear and increasing lifting ability.

Claims 4,5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichiro (JP 200231785) in view of Koji (JP63017706) and Perlov (US 6,283,692).

Re claims 4,5, Perlov teaches the ability to have different numbers of shelves and shelf lines (column 4, lines 16+) to increase versatility. Therefore it would have been obvious to a person of ordinary skill in the art at the time of the invention to have tried modifying Ichiro to have any number or combination of numbers of shelves to achieve the predictable result of increasing versatility.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Davis (US 6447232) teaches vertically adjustable shelves.

Kimura (US 6439822) teaches vertically adjustable shelves.

Usami (US 5478195) teaches vertically adjustable shelves.

Applicant's arguments filed 10/20/08 have been fully considered but they are not persuasive.

Applicant argued that the prior art does not teach displacing the second shelves individually. However as broadly claimed each individual second shelf is displaced.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., minimal shelf movement, only three of five shelves moved as shown in applicant's figure 5) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 3652

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Scott Lowe whose telephone number is (571)272-6929. The examiner can normally be reached on 6:30am-4:30pm M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571)272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Scott Lowe/
Primary Examiner, Art Unit 3652